IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2717 OF 2006

IN

SUIT NO.1651 OF 1998

M/s. Neela Trust and anr. ....Plaintiffs.

vs.

Smt. Pratibha P.Prabhu

and Ors. ....Defendants.

Mrs. Anita Tripathi for the plaintiffs.
Mr.K.H. Kanojia i/by. P.H. Patwardhan
for the defendants.

CORAM: S.J. VAZIFDAR, J.

NOVEMBER 15, 2006.

P.C. :

1. The order dismissing this suit was inter-alia on the basis that the defendants had not been served with the writ of summons. The statement was probably made by the learned Advocate by mistake. Infact by an order dated 24/2/2003 the Division

Bench to which I was a party recorded the statement of the Defendant's counsel waiving service of the writ of summons. It was further recorded that the defendant's would file their written statement and/or their counter claim. In the circumstances, the Notice of Motion is made absolute in terms of prayer clause (a). Needless to add, that with the restoration of the suit, all interim orders are revived. The written statement shall be filed within 8 weeks from today.

sd/-

(S.J.VAZIFDAR, J)